

CHAPTER 9 GENERAL CONCLUSIONS

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9.1 *Introduction*

The primary goal of this study of the implementation of the WFD in a comparative perspective was to gain insight into the implementation processes and practices in other EU Member States. A comparison informs us 'how the Netherlands is doing' in implementing the WFD, how other countries deal with comparable policy problems and how other countries are setting their levels of ambition. A second goal was to learn from the choices made and the possible solutions found in other countries. What are the interesting policy practices in different countries?

We made a comparison of the formal and practical implementation of the WFD on the basis of four foreign cases (Denmark, England and Wales, France and the German federal *Land* of North Rhine-Westphalia). The Netherlands provided the 'reference case' (the Dommel sub-river basin). To some extent, the selected cases had comparable problems, e.g. diffuse pollution sources from agriculture and hydromorphological changes. We did not investigate all aspects of the implementation of the directive. The goals for the chemical status of water bodies are predominantly laid down in standards prescribed by the European authorities and are to be implemented by all Member States, usually by the national governments, or the governments of federal states. This part of the WFD produces a lesser degree of freedom for the Member States, and we have not elaborated this further. We have also not further investigated the goal-setting process for ground water (i.e. goals for chemical status and quantitative status).

We focused on the ecological goal-setting process for surface waters (rivers, lakes, transitional waters, coastal waters) in the regional settings of a specific case study. This part of the WFD leaves considerable room for policy discretion for countries and regions. Furthermore, we have confined ourselves to the different steps and elements of the implementation process that have been important until now and that are crucial for future implementation. These steps are: formal transposition, designation of water bodies, goal-setting process in steps, the use of exemptions, setting up programmes of measures, the no-deterioration principle and financial resources. Subsequently, we have looked at methods of policy integration, with a focus on external integration with nature conservation, agriculture and spatial planning.

Comparing implementation processes instigated by the WFD was not an easy task. Not only is the WFD a rather complex directive, but water management is also organised differently in the Member States, and above all, the challenges that the WFD puts on the agenda (reducing chemical pollution, improving the ecological status of water bodies,

etc.) can be addressed through different paths. In this concluding chapter we will first summarise the findings of our comparison (see also the previous chapter). Second, we will try to answer the main questions regarding the ambition level, and third, reflect on the rationales behind the implementation processes in the different case studies. We will end the chapter with a selection of interesting practices and a general reflection.

9.2 Findings

In Chapter 8 we systematically described and compared the way the implementation steps were determined in the case studies. In this section, we will summarise the most important findings:

- It is not surprising to see that the legal implementation in national legislation differs from country to country. EC law leaves the Member States with room to implement directives through their own legal system. Nevertheless, when it comes to the interpretation of obligations, some remarkable differences can be seen. There are differences with regard to the stringency of obligations (in most countries we find obligations of result; in the Netherlands we find obligations of best effort), the legal establishment of environmental quality standards (most countries have chosen for limit values, the Netherlands for target values) and the way they play a role in decision making (in most countries they have to be taken into account when decisions are taken in all kinds of policy fields except for the Netherlands). Furthermore, some countries transpose the exemptions in formal legislation while some do not; finally, the legal establishment of integration differs per country.

- Regarding the principle of *no deterioration*, Germany seems to interpret it most strictly (although there is an internal discussion on how deterioration is measured - within a class or only between classes), and the Netherlands seems to allow for more flexibility in comparison to other countries. The interpretation of the starting date also varies. Again, Germany interprets this most strictly, while in Denmark the starting date is considered by some to be twelve years later. Since the principle and its application are not very clear in the WFD itself, decisions of national courts or of the European Court of Justice are expected to further determine the exact interpretation of the principle. In Denmark, several complaints have been made to both the Environmental Board of Appeal and the Nature Protection Board of Appeal related to the no-deterioration principle, but, to date, no decisions have been taken.

- The Netherlands provisionally designated a considerably higher number of water bodies as heavily modified water bodies (HMWB) and artificial water bodies (AWB) in comparison to other countries. The definition of AWBs is relatively clear (see the Introduction of this book) and there is little room for discussion. For HMWBs it means

that there are differences in designation, also in the context of comparable problems for water management. When we look at the Odense case in Denmark, we find a very different approach to that of the Netherlands, since Denmark did not designate water bodies as HMWBs as often as was done in the Netherlands, even though both regions had to deal with problems such as diffuse pollution from agriculture and hydromorphological changes.

- National government, regional and local authorities somehow all play a role in the implementation process. Both in the Netherlands (water boards) and in France (Water Agencies and River Basin Committees) there are specific water-related functional authorities (river basin management authorities) that take the lead in the implementation process. However, in France, these river basin authorities set goals and make plans, but *do not actually implement* the measures themselves, while the Dutch water boards, although not being the only parties, are themselves highly involved in the actual implementation of measures. In France, this is a responsibility of the municipalities, who decide rather autonomously on how they will respond to the ambitions set by river basin authorities.

- In England and Wales, and in Denmark, ministerial authorities play a main role in the WFD implementation process: the Environmental Agency in England and Wales (non-departmental public body of DEFRA), and the Environment Centres in Denmark (belonging to the Ministry of Environment). Therefore, we can conclude that these countries take a less decentralised approach. Although, in Denmark the municipalities play an important role. they are more bound by the programmes of measures that the Environment Centres produce. In both Denmark and France, the practical implementation takes place at the most decentralised (local) level, but for France we expect that the local autonomy of municipalities creates uncertainty as to whether the goals are actually implemented.

- In France and Denmark, *goals* are first set at a higher (river basin) level (the SDAGE in France and the sub-basin management plans in Denmark). Subsequently, necessary *measures* are designed either by the municipalities (France) or by the Environment Centres (in Denmark). This reflects an approach in which goals are first set at a higher level and 'dropped' to lower levels, while in other countries, including the Netherlands, defining what *measures* should and could be affordable and acceptable by the region comes first, or at least becomes the main issue in their planning process.

- All countries make use of *exemptions*, mostly by postponing the time period in which measures will be taken or goals can be reached until 2021 or 2027. In some countries, like England and Wales, the goals are straightforwardly referred to as 2027. The lowering of goals is a last resort and is used only in really exceptional situations.

- *Integration* of policy areas is not a strict obligation under the WFD itself. Legal instruments to protect water from pollution by nitrates are mostly the result of obligations stemming from the Nitrates Directive that had to be implemented in the legislation of the Member States some years ago.

- In the Netherlands, authorities in other policy areas will not have to take environmental quality standards into account when taking decisions. Only Ministers who cooperatively signed the RBMP (in the fields of water management, nature, agriculture, the environment and spatial planning) have to take into account decisions laid down in the RBMP with regard to their own competences. Decentralised governments are not formally bound by RBMPs or environmental quality standards. In all other countries, all authorities have to take goals and measures following from the RBMPs into account. The reason for this reluctant attitude in the Netherlands is probably the easy access to justice and the consequences this had, for example for the implementation of the air quality directives, in which case a direct link between quality standards and decision making in all kinds of policy fields was chosen.

- In all countries, the WFD leads to more attention being given to the *integration* of policy areas, although more so in some countries than in others. Most remarkable is the integration of water management and nature legislation in Denmark. In the Netherlands the attention to the integration of water and spatial planning is increasing, but this is not only because of the WFD, but also because of the fact that there is increasing attention being given to flood prevention. In Germany mechanisms exist which protect water interests in the decision making in spatial planning, often combined with nature protection.

Finally, we come to the conclusion that it is very difficult to compare the financial *resources* related to the WFD. Firstly, it is difficult to distinguish between the budget relating to the WFD and the general water management budget, and the information used reflects various scales (national, river basin, regional). Secondly, the costs may also differ due to different calculation or allocation methods. Therefore, we did not further elaborate a comparison on the past and future investments in the WFD. It should be noted that not every country studied here lists the same measures as WFD-related measures. Many measures are in fact implemented following the requirements of other directives, and some countries consider those measures to be also WFD measures. For example, Belgium and France still need to fulfil the obligations of the Urban Wastewater Directive (RWS Waterdienst 2008). The Netherlands does not report those measures as WFD measures. Taking this point into consideration and looking at the overall picture of the resources on water management, it seems that the Netherlands is prepared to spend quite a large amount of resources on WFD implementation.

9.3 On ambitions

There are many possible variables when we want to compare the ambitions of countries in the implementation process of the WFD. After we have given an overview of our research and findings, we can think of four central ‘assumptions’ or ‘indicators’ which could point towards levels of ambitions. Which countries appear more ambitious, considering the different aspects we have looked at?

First, the country that strives for good ecological status of all waters and designates water bodies as natural water bodies (or, in fact, does not specify water bodies as heavily modified), even when there are important challenges for water management to meet, can be considered more ambitious. Second, when we look at the way the goals and related standards are formalised – as an important part of the institutionalisation of the WFD – we see that environmental standards can be set as limit values (values that must always be respected; sometimes called ‘intervention values’; *grenswaarde*) as has been done in Germany, or target values (values that tolerate exceptions; *richtwaarde*) as has been done in the Netherlands. This is a crucial legal distinction. As a third indicator of ambition, we could state that the more ambitious Member State is the one that will strive to reach the targets for GES or GEP as soon as possible, therefore in 2015, and limit the use of exemptions. Fourth, the more ambitious Member State would design river basin management plans in an integrated way, ensuring cooperation with all necessary policy fields such as spatial planning, agriculture and nature conservation.

Ambitions at first glance

1) Considering the outcomes of the designation process (preliminary and otherwise), the Odense case in Denmark absolutely reveals an ambition, and so does the French case. The Netherlands appears to be the more pragmatic country, and coming close are England and Wales, and North Rhine-Westphalia.

2) On the stringency of the legal standards (or their formulation), the Netherlands also does not reflect strong ambitions, because the Dutch use target values, while other countries choose limit values. The Netherlands is also the only country which defines general environmental objectives as obligations of best effort and not as obligations of result.

3) On exemptions, we found that all countries use exemptions, although England/Wales and the Netherlands refer most straightforwardly to the goals of the WFD to be reached in 2027. Whereas in other cases, such as the Odense river basin as well as the RBD Loire-Brittany, countries are primarily considering and looking at the deadline of 2015.

4) On integration, all cases have their own specific features that are important for legal and policy integration. What is remarkable is that Denmark has transposed the WFD

together with the Birds and Habitats Directives, and makes it obligatory at the local level of implementation to integrate these two strongly related policy fields. In the cases of Denmark, Germany and England/Wales, the authorities in general are bound by the RBMPs. In France, spatial plans must be compatible with the RBMPs, and there are also spatial provisions ('bank belts') in North Rhine-Westphalia that are important to anticipate WFD requirements. In the Netherlands, authorities outside the water sector are not bound by the RBMPs.

When we look at these four indicators of ambition, the Netherlands is not doing so well. It does not show too much ambition when it comes to designation, the stringency of legal standards and special integrative measures. When it comes to exemptions, there are not many differences between cases. This is the picture at first glance; there are other considerations that can explain and clarify some of the positions taken.

Ambitions at a second glance

Although at first glance Denmark is very ambitious when it comes to designating water bodies, in reality in the Odense pilot river basin plan, the actions and measures for considerably modified water bodies (but not designated as heavily modified) have been postponed until the next implementation phase. It should furthermore be noted that the Danish ambitions mentioned in this report are largely the result of a technical process of goal setting. The political process is still underway, and less ambitious goals are possible – and even expected – by interviewees. The image of Denmark as an ambitious country can therefore change in the future.

The pragmatism that is reflected in the designation of water bodies in the Netherlands can for a great part be related to physical circumstances, but this is not the whole story. In the Netherlands, the water boards play an important role in the designation process, although they do not have the final decision. It is important to point out that the water boards are assigned the task of proposing the designation of water bodies, without being able to foresee exactly what the 'significant adverse effects' or 'disproportionate costs' related to the required hydromorphological changes for sectors other than water will be. But, in general, the Dutch designation can be considered as a sign of accepting the 'modified status' of water in the Netherlands.

North Rhine-Westphalia, a federal *Land* that is densely populated, highly urbanised and with intensive agriculture and horticulture, had originally designated fewer heavily modified waters than the Dutch, but also fewer than other *Länder*, especially Lower Saxony. This difference was one of the arguments used in the next round of designation in North Rhine-Westphalia, where many more water bodies were designated as heavily modified (by which the end-goal is good ecological potential instead of good ecological status). This leads us to conclude that North Rhine-Westphalia had started off very

ambitiously, but by adjusting to other *Länder* as well as to the Netherlands, gained more room for pragmatism and policy discretion at a later stage.

Looking at the second ‘indicator’ of ambition, the legal establishment of goals and standards, it is again important to make some remarks. We found that the Netherlands is reluctant in creating formal obligations and stringent standards. The reason for this can at least partly be found in the relatively *easy access to justice* in the Netherlands, which implies that formalising obligations can have immediate practical consequences. Next to this, the Netherlands has an administrative culture and tradition of cooperation between different levels of government, without debating the division of competencies between them. This is not to say that these consequences are not necessary at times, in the light of the environmental objectives of the WFD, but that other countries are creating rules in a different legal culture and system (see also VROM-raad 2008). The high level of ambition that is reflected at this point in the German legislation is compatible with the German legal culture, but in Germany there is a lower degree of access to justice. In France a high level of ambition was chosen because of earlier condemnations by the Court of Justice. We will come back to these arguments in the section on ‘rationales’.

Another interesting issue in the comparison is the organisational framework that is set up for the WFD and the way national, regional and local authorities are involved. In the table below we describe the leading actors in the practical implementation of the WFD in the cases we studied on regional waters, considering different steps in the process (Table 12).

Member States	Major role in designation of Water Bodies	Major role in setting goals	Major role in making the Programme of Measures	Major role in Implementing the Programme of Measures
Netherlands (regional surface waters)	Water boards (before <i>Waterwet</i>)	Water boards	Water boards	Water boards
France	Prefect	Water Agency River Basin Committee	Municipalities (SAGE)	Municipalities (SAGE)
NRW	Ministry	Ministry <i>Obere Wasserbehörde</i>	Ministry	<i>Obere and untere Wasserbehörde, Wasserverband</i>
Denmark	Environment Centres	Environment Centres	Environment Centres + Godtfredsen Committee	Municipalities (Municipal Action Plans)
England & Wales	Environment Agency	Environment Agency	Environment Agency	Environment Agency

Table 12: Leading authorities responsible for aspects of the WFD implementation process in the regional settings. Colours indicate –The lightest colour (Yellow): decentralised government, the darkest colour (Blue): ministerial institution, and the semi dark colour (Green): (semi-)independent functional water authorities. Note: in the Netherlands, water boards initiate the processes of WFD implementation, but this does not mean that they have the sole responsibility for the entire process. The provinces and the national government must assess their proposals and formally approve the proposed measures.

Overall, we have concluded that both the Netherlands and England/Wales prefer a pragmatic approach in designation, in legal establishment and in other respects. We also found that Denmark and France were ambitious in designation and in other aspects too. There is no direct relationship between ‘being pragmatic’ and a specific level of government, because the Dutch water boards operate at a regional (or district) level, and the British Environment Agency is part of the Ministry and operates at a national level. There is also no direct link between the ambition level and functional or specialised river basin authority, as the latter can be found in France and in the Netherlands, and can be both pragmatic and less pragmatic.

However, a relationship can be found in the extent to which organisations deal with different policy tasks or, in other words, activities in the different phases of a so-called policy cycle. The Dutch water boards and the British Environment Agency are highly involved in both policy preparation and formulation (designation, goal setting, programming) and in the actual implementation of many of these measures. Our suggestion would be that the more encompassing the policy actor is and the more it is itself responsible for ‘doing the work’, the more realistic it will be in setting goals and standards, and the more policy discretion it will seek. In the Netherlands, water boards propose goals and measures, and once they are accepted by the national level, they also implement those measures. Water boards are reluctant to set goals which are too ambitious for their water bodies in order to avoid being accused of not reaching the objectives which they themselves have set. This even means that in reality, higher quality objectives might be reached than what can be expected from their formal plans for the WFD.

The other side of this coin is that when policy formulation and policy implementation are separated, as in France – and to a certain extent also in Denmark – planning authorities are ambitious, but in circumstances in which they are not themselves immediately responsible and accountable for taking the measures. Differently stated, they possibly are ambitious because they are not directly responsible. This is also why we emphasised the difference between France and Denmark in this respect. While in France it is still uncertain if goals are really converted into the actual implementation of measures, in Denmark there is a stronger relationship between the RBMP and the municipal action plans that contain large parts of the actual measures taken in Denmark. In any case, when we look at ambitions in issues of implementation, we must take the complete policy cycle, including actual implementation, into account.

On the use of exemptions, France is relatively ambitious at first glance. This is confirmed by the fact that the national government has announced that it will limit the use of the extension clause in the WFD by obliging the authorities to reach a good status for two-thirds of water bodies by 2015. It is not certain, however, that this will be followed by the French municipalities who must implement the corresponding measures.

In terms of policy integration, there are some aspects to be stressed at second glance. In the Netherlands, although there is no formal legal obligation for authorities in other policy fields to take the water quality standards into account, a certain level of political commitment to integrate water management with nature, agriculture and spatial planning is expected, since the national water plans (RBMPs) are to be signed not only by the Minister of Transport, Water Management and Public Works, but also by the Minister of Agriculture, Nature Conservation and Food Quality and the Minister of Housing, Physical Planning and Environment.

As we opted for regions with agriculturally caused environmental pressure, it seems self-evident that the integration between water management and the agricultural domain is a prominent concern. However, the countries studied take very different approaches to this issue. In Denmark, the agricultural sector is addressed straightforwardly in the WFD implementation process. The sector receives attention from the national government as the most cost-efficient area to reduce the pollution of water bodies. The sector itself also wishes to determine the least sector-harming way to contribute to WFD implementation. On the other hand, in the Netherlands, the integration is limited. Water boards, being the main agency in implementing the WFD measures, have limited competence concerning diffuse pollution. Meanwhile, the national level (the Ministry of Agriculture, Nature Conservation and Food Quality), which is co-responsible, has not yet announced extra measures for agriculture to meet the demands of the WFD.

We can close this section on the 'ambitions' of Member States by summarising the arguments of and the background to the Dutch approach. Is the Netherlands 'the best pupil in class'? At first glance, no. The WFD is an ambitious directive and has far-reaching consequences in a 'highly modified' country. The Dutch have chosen a pragmatic approach because of a fear of creating self-imposed obligations in a legal-cultural setting of easy access to justice and because of the combination of policy formulation and policy implementation, which means that obligations have to be taken up by the authorities that play a major role in setting them. A 'fear' of EU charges can lead to situations in which planned measures are set at an even lower pace than if the EU shadow was non-existent. On the other hand, if the EU level was non-existent, the triggering WFD would not exist either, and for France the fear of EU charges has led to more ambitions and higher goal setting. The pragmatism of the Dutch is also relative, because water management is already an important policy domain in the Netherlands to which large financial means are allocated.

9.4 *Rationales in formal and practical implementation*

Environmental science – rationales

The rationale of the WFD itself is to guarantee a high level of protection for all aspects of water bodies, because water is part of our common heritage. In the process of implementation the Directive strongly relies on expertise in environmental science-based knowledge of water-related issues. All Member States agreed on the environmental goals of the WFD, also because of the need for a level playing field. This aspect, however, is often forgotten in the discussions about implementing the WFD in the national legislations of the Member States. Denmark seems to act most in accordance with the general objective of the WFD, although even in Denmark other rationales start playing a stronger role as well. At the same time, the WFD does leave room to take economic aspects into account.

Legal rationales

The *process* of goal setting and choosing the adequate measures is very important within the legal context of the directive, and leads to the conclusion that the WFD is indeed part of the new generation of environmental directives. Nevertheless, one should realise that the system of EC environmental law still takes a strong legal approach. Granted rights and protected interests (stakes) can be defended before the courts. That makes the decision on how the legal implementation will be established in the Member States very important. One could say that the more access to justice that a state offers, the more reluctant it will be to set high goals and standards in formal legislation (VROM-raad 2008). In the Netherlands, for example, there is a strong fear of setting ambitions too high in formal legislation, because of problems that occurred in the past concerning the implementation of the air quality directives.

Also, condemnations by the Court of Justice can play an important role, or can be a legal rationale. In the French case, a higher level of ambition was chosen primarily because of earlier decisions by the Court of Justice (e.g. ECJ Case C-147/07, OJ 29 March 2008, C79/8). France is trying to avoid any new condemnations by the Court of Justice. The high level of ambition as laid down in the German legislation fits in with the German legal culture and is not threatened by a high degree of access to justice, because of the '*Schutznorm*' in German law that leads to a lower level of access. The pragmatic way of implementation in England and Wales also fits in with the English legal culture, where relatively little formal legislation is enacted anyway.

The economic rationale

The economic rationale is important in all countries we investigated. In England and Wales, the assessment of the cost of the measures played a major role in setting the objectives from the very beginning. We can state that the economic rationale is dominant here. Also in Denmark the costs involved are a main concern. At the central level, initially a more technical and scientific approach to goal setting prevailed, but the process shifted towards a more political and economic rationale. The government closed the implementation process to stakeholder involvement and transferred the leadership from the Ministry of the Environment to the Ministry of Finance. What is interesting to note here is that in Denmark, the measures that are considered most cost-effective predominantly focus on reducing diffuse pollution from the agricultural sector. In the Netherlands the economic rationale became very important after the publication of the Aquarein report. In contrast to the case of Denmark, discussions in the Dutch Parliament led to the choice that no extra costs for agriculture would be allowed resulting from the implementation of the WFD. This is quite remarkable, especially considering the duty to recover costs in Article 9 of the WFD and the 'polluter pays' principle in Dutch environmental policies.

Political rationales

In all countries the role of agriculture is significant in more ways than one. Pollution from agriculture (nitrates and pesticides) is often diffuse pollution and is widely acknowledged as one of the largest problems to be solved within the requirements of the WFD. It should be noted that this is nothing new. The implementation of the Nitrates Directive is a problem in many Member States. In France, for example, the requirements of the Drinking Water Directive have not been met because of high concentrations of nitrates in surface water. In all countries, agricultural policy is a responsibility of the central government and the EC. Generally, there is a great fear of strengthening agricultural policy because of the costs and for political reasons. At this point we can conclude that integration of water management with the agricultural sector is not sufficiently established, either at the European level or at the national level. This has severe consequences for water pollution caused by agriculture. It is not, however, something that can be solved at the decentralised level, or by water management alone.

Therefore, at the regional level much is expected from voluntary agreements, the buying of land and the development of good agricultural practices. The reason for this is the fact that local or decentralised governments hardly have any instruments to regulate pollution from agriculture. This dependency on the central government is a concern for the Dutch water boards, for example.

9.5 *Interesting practices*

A second goal of this study of the WFD implementation was to learn from the choices made and the possible solutions found in other countries (what are the interesting policy practices in different countries?). We have summarised the most important differences and similarities in Section 9.2, and we have given explanations of the ambitions and rationales in Sections 9.3 and 9.4. In this section we restrict ourselves to highlighting some of the interesting practices we found:

- The designation process in Denmark demonstrates that even in a country that is relatively densely populated and has to meet problems which are comparable to those of the Netherlands, ambitions to reach good ecological status of water bodies do not have to be watered down. Nevertheless, the actual status of the Danish water bodies are better than the status of most Dutch water bodies, which means that in the Netherlands, more measures need to be taken to achieve good ecological status or good ecological potential.
- The national government of Denmark looks at the efficiency of WFD measures, regardless of the target groups or the addressees of those measures. In this way the central government has concluded that taking measures dealing with agriculture and diffuse pollution are also the most cost-effective measures.
- In North Rhine-Westphalia, the Ministry seeks cooperation with agricultural activities to meet the obligations and objectives of the WFD. This is done on the national level through voluntary agreements and supplementary subsidies through the so-called stepping-stones approach. With this approach, good hydromorphological condition is achieved for only a certain number of sections of rivers. The Ministry believes that this approach is the most cost-efficient way to reach good status without implementing radical measures which would impact farmers.
- In France, the national government sets a limit for the use of extensions.
- In Denmark, municipalities are obliged to meet the objectives set by the Environment Centres. That the WFD already has consequences is evidenced by the fact that some of the municipalities have become reluctant to issue permits for livestock expansion.

9.6 *Reflection*

In this research project we had the opportunity to look at the implementation process from the perspective of formal implementation and legal establishment as well as the perspective of policy organisation and practical implementation. While comparing the legal transposition into national legislation with the implementation in practice, we sometimes found remarkable results. Regardless of the legal implementation by national or central government, all decentralised governments are very much involved in the

implementation process. Regardless of the amount of heavily modified or artificially designated water bodies, there is no country which expects to reach the goals by 2015. During the implementation process, some changes in policy have taken place; these changes are due to the unexpected impact of the costs of the Water Framework Directive, the choices made abroad, a lack of knowledge or political reasons.

The implementation of the WFD requires a great effort concerning the ecology of water bodies, chemical substances, hydromorphological restructuring and especially concerning diffuse pollution from agriculture. We doubt whether the pollution caused by agriculture will be solved within the time limits of the WFD, even if all possibilities for extensions are used.

This analysis leads us to conclude that the implementation of the Water Framework Directive is 'learning by doing', solving problems during the process. The process takes place with consultations with a variety of parties, with other governments in the same river basin, with governments EC-wide, with scientists, with stakeholders and with the European Commission. This new governance approach, which includes "steering through processes and procedures", still is a major search operation, an ambitious expedition in search of a better quality of all of Europe's water bodies, with an important role for ecology - and partly depending on the autonomy of member states to set ambitions and goals themselves. We found that all countries were seriously trying to fulfil the obligations of the WFD and to protect and improve the water status in the EC, but reaching these targets takes time, especially when we are presently getting used to this new governance approach while confronted with high ambitions in "wicked" problems as the impact of the agricultural sector and need for new working methods in agriculture.

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